

## REMARKS

### Introduction

Applicants thank the Examiners Combs-Morillo for the telephone interview on January 23, 2007.

By virtue of this RCE, request for extension of time and the requisite fees, this communication timely responds to the Office Action dated December 28, 2007. The claims have been amended to reflect that the alloy claimed is an AA 5083 alloy that has been modified in terms of the Cu, Zn and Zr contents as follows: 0.05 to 0.2% Cu, 0.3 to 0.6% Zn, and <0.05% Zr. The current claims recite an Ag content which is the same as AA 5083, namely <0.05%. Claims that recited a different Ag content have accordingly been canceled. No new matter has been added.

Entry of the amendment and favorable reconsideration are earnestly solicited in view of the instantly submitted RCE and present amendment.

### Claim Rejections – 35 USC §102

Claims 4, 5, 7, 9, 10, 38, 39, 42 and 43 are rejected under 35 USC §102(b) as being anticipated by “Compositional Changes to tau-phase grain boundary precipitates in the presence of minor levels of Ag and Ag+Cu in modified 5083 aluminum alloys,” Electrochemical Society Proceedings, 2000, Carroll et al.

It is respectfully submitted that in view of the instant amendment to change the Ag content, this rejection is improper and should be withdrawn.

### Claim Rejections – 35 USC §103

Claims 4, 5, 7, 9, 10, 16, 22, 24, 25, 38, 39, 42, and 43 are rejected under 35 USC 103(a) as being unpatentable over Haszler et al.(US Patent No 6,342,113).

This rejection is respectfully traversed for at least the following reasons.

Accompanying this RCE and amendment is a Declaration under 37 CFR 1.132 by H. Scott Goodrich, a metallurgist at Alcan, the assignee of the present application. Mr.

Goodrich sets forth numerous technical and factual bases for why the instant rejection is improper. Namely, Mr. Goodrich points out distinctions between the claimed invention and the Haszler et al patent and why there is no motivation provided by Haszler et al to obtain a tau phase as that obtained in the present invention. Importantly, Mr. Goodrich points out that Haszler et al employ final annealing temperatures above the instantly claimed range. Mr. Goodrich also provides phase diagrams showing the existence of tau phase in one embodiment of the claimed invention.

Since there are numerous differences between the claimed invention and the Haszler et al teachings, coupled with Mr. Goodrich's technical opinion as one of skill in the art, it is respectfully urged that this rejection is improper and should be withdrawn.

**Conclusion**

For the reasons advanced herein, the instant rejections are believed to be improper and should be withdrawn. An early notice of allowance is earnestly solicited.

The Commissioner is authorized to charge the fees due or credit any overpayments to Deposit Account No. 09-0528 (A2411060.1).

If the Examiner has any questions regarding this case, the Examiner is courteously invited to contact the office of the undersigned attorney of record.

Respectfully submitted,

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